



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Lake Havasu Field Office
2610 Sweetwater Avenue
Lake Havasu City, AZ 86406



ENVIRONMENTAL ASSESSMENT
EA-AZ330-2005-0004

Rite Spot Market Remediation Project
CAAZCA 46652

San Bernardino County, California

➤ GENERAL LOCATION MAPS

ASSIGNMENT AND REVIEW Subactivity: 2870/5440
Case/Project: Rite Spot Market Remediation, CAAZCA 46652
EA Name: Rite Spot Market Remediation
Location (legal description): T.2. N., R.26.E, Section 36;

ENVIRONMENTAL ASSESSMENT TECHNICAL REVIEW LIST

ASSESSMENT & REVIEW	EA Number: EA-AZ-330-05-0004
--------------------------------	------------------------------

Case/Project No: CAAZCA 46652 Sub-activity: 1430/5440
Proposed Action: Rite Spot Market Remediation Type: ROW

Location (legal description) T. 2. N R. 26 E Section: sec 36 containing 2.5 acres more or less

Applicant: Brian Jackson

Lead Responsibility Assigned to: Bernadette Lovato

Level Of Analysis:

Draft Review: ☒ Routine ☐ Complex

Date:

Environmental Coordinator: Cathy Wolff-White

Critical Element	May Be Affected		Can Be Mitigated		Signature Name/Title	Date
	Yes	No	Yes	No		
Air Quality			X			
					<i>Specialist</i>	
Areas of Critical Environmental Concern		X				
					<i>Jill Miller-Allert</i>	
Cultural Resources/ Paleontological Resources			X			
					<i>Sarah Murray</i>	
Environmental Justice		X				
					<i>Specialist</i>	
Farm Lands (Prime or Unique)		X				
					<i>Cory Bodman</i>	
Floodplain			X			
					<i>Cory Bodman</i>	
Native American Religious Concerns		X				
					<i>Sarah Murray</i>	
Threatened or Endangered Species			X			
					<i>Christine Bates</i>	
Wastes, Hazardous or Solid			X			
					<i>Cathy Wolff-White</i>	
Water Quality, Drinking or Ground			X			
					<i>Cory Bodman</i>	
Wetlands/Riparian Zones		X				
					<i>Christine Bates</i>	
Wild and Scenic Rivers		X				
					<i>Jill Miller-Allert</i>	
Wilderness		X				
					<i>Jill Miller-Allert</i>	
Invasive & Non Native Weeds			X			
					<i>Cindy Barnes</i>	

Additional Specialists Review:

Additional Elements	Will Be Affected		Can Be Mitigated		Signature Name/Title	DATE
	Yes	No	Yes	No		
Lands/Realty/Water Rights		X				
					Maria Rosalez	
Law Enforcement		X				
					Brian Pittman	
Operations/Engineering Review		X				
					Mike Henderson	
Recreation		X				
					Myron McCoy	
Visual Resources Management			X			
					Myron McCoy	
Soils/Minerals		X				
					Amanda Dodson	
Water Rights		X				
					Cory Bodman	
Wild Horses/ Burros		X				
					Cindy Barnes	
Range		X				
					Cindy Barnes	

Recommended By:

Lead Concession Management Specialist

Date:

EA Approved By:

Supervisor

Date:

TABLE OF CONTENTS

I. Introduction	1
A. Project Background	1
B. Purpose and Need for the Proposed Action	1
C. Conformance with Land Use Plan	1
D. Relationship to Statutes, Regulations, or Other Plans	1
II. Proposed Action and Alternatives	1
A. Proposed Action	1
B. No Action	2
III. Affected Environment	2
A. General Project Setting	2
B. Critical Elements Not Affected	2
1. Areas of Critical Environmental Concern	2
2. Environmental Justice	2
3. Farm Lands (Prime or Unique)	2
4. Native American Religious Concerns	2
5. Wetlands/Riparian Zones	2
6. Wild and Scenic Rivers	2
7. Wilderness	2
8. Socio-economic	3
C. Critical Elements Present or Could be Affected	3
1. Air Quality	3
2. Cultural Resources	3
3. Floodplain	3
4. Threatened or Endangered Species	3
5. Wastes, Hazardous or Solid	3
6. Water Quality, Drinking or Ground	3
7. Invasive and Non-Native Species	3
D. Other Resources Present or Could be Affected	3
1. Wildlife	3
2. Vegetation	4
3. Visual Resources	4
4. Recreation	4
5. Wild Horses/Burros/Range	4
IV. Environmental Consequences	5
A. Impacts from the Proposed Action	5
1. Air Quality	5
2. Cultural Resources	5
3. Floodplain	5
4. Threatened or Endangered Species	5
5. Wastes, Hazardous or Solid	5
6. Water Quality, Drinking or Ground	5
7. Wildlife	5
8. Vegetation	6
9. Visual Resources	6
10. Recreation	6
11. Wild Horses/Burros/Range	6
B. Mitigating Measures for the Proposed Action	6
C. Cumulative Impacts	7
1. Proposed Action	7

2. No Action Alternative	7
V. Appendices	7
1. List of Maps	7
2. List of Photos	8

I. INTRODUCTION

A. Project Background

Lizards on the River, formerly Rite Spot Market is a Bureau of Land Management (BLM), Lake Havasu Field Office (LHFO) concession with a long term lease, CAAZCA 26694 expiring on April 29, 2039. It is located in San Bernardino County, California, approximately 7.6 miles south of Parker Dam. The store is located on Bureau of Reclamation withdrawn land administered by the BLM in section 2, T., 2 N., R. 26 E. and section 36, SBM, and contains 2.5 acres more or less. (See Map 1)

Lease CAAZCA 26694 was issued pursuant to the provisions of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, and Title 43, Code of Federal Regulations, Part 2920 Leases, Permits and Easements for Rite Spot Market effective on April 30, 1990. An environmental assessment was completed in 1980 (AZ-050-0-96) and a Development Plan was approved. The environmental document approved the proposed plan to remodel the exterior and interior of the gas station and store, remodel the boat repair facility, and install a laundry facility.

A Right-of-way application for the installation of wells, associated air sparge system, and buried piping connecting air sparge wells to treatment oxidizer was received from Brian Jackson, former lessee of the Rite Spot Market on November 1, 2004. Mr. Jackson was the concessioner of record when the underground storage tanks were removed in 1999 and is currently funding the clean-up with reimbursement from the California Reimbursement Fund for UST clean-up. Concurrence for construction of the proposed remediation facilities located on the lease was approved by the new lessee of the market.

B. Purpose of and Need for the Proposed Action

The installation of wells and air sparge system for the proposed remedial action would remove immediate threats to health and human safety and the environment. Remedial work will occur upon the receipt of all regulatory permits. The clean-up is required to comply with the San Bernardino County Department of Public Health and the Colorado River Region of the California Regional Water Quality Control Board.

C. Conformance with Land Use Plan

This project is in conformance with the Yuma District Resource Management Plan, approved in 1987, as amended, and the Parker Strip Recreation Area Management Plan, approved September 1993 which allow the lease land through recreation concessions in responsive to public needs and appropriate to intensively developed recreation areas.

D. Relationship to Statutes, Regulations, or Other Plans

BLM may issue rights-of-ways pursuant to Title V of the Federal Land Policy Management Act of October 21, 1976, as amended and Title 43, Code of Federal Regulations 2800.

II. PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action

The proposed project is to install the following:

- 3 soil vapor extraction (SVE) wells
- 23 air sparge (AS) wells
- Approximately 660 lineal feet of buried pipe connecting AS wells to catalytic oxidizer (6' wide work path for trenching and 36" depth)
- 6 Oxygen Release Compound (ORC) application wells on west side of Parker Dam Highway

Portable, 100 cfm catalytic oxidizer

In addition, nine existing ORC application wells and seven existing monitoring wells (two of which are located on the west side of Parker Dam Road; remaining are located within the concession leased area) are also to be included in the ROW. One of the nine existing ORC application wells will be converted to an additional SVE well.

B. No Action Alternative

Under this alternative the BLM would not issue the right-of-way and not allow the restoration and clean up of this previously used leaking underground storage tank. Without site remediation, health and human safety could be in danger. Due to the health and human safety concerns this corrective action will be completed and the no action alternative will not be considered further.

III. AFFECTED ENVIRONMENT

A. General Project Setting

The project area lies on the Parker Strip, on the west and east side of Parker Dam Road, in San Bernardino County, California, approximately 7.6 miles south of Parker Dam. The proposed project would be located on undeveloped lands on the west side of Parker Dam Road and within the developed area of Lizard's on the River, formerly Rite Spot Market on the Parker Strip, California.

B. Critical Elements Not Affected

1. Areas of Critical Environmental Concern

There are no areas of critical environmental concern within the project area.

2. Environmental Justice

There would be no environmental justice impacts from the proposed action. No stratified economic differences will be created or exist.

3. Farm Lands (Prime or Unique)

There are no prime or unique farm lands within the project area.

4. Native American Religious Concerns

There are no known lands with Native American religious concerns within the project area.

5. Wetlands/Riparian Zones

The area is west of the Colorado River. Soil and levee construction along the Colorado River have eliminated all of the wetlands and riparian habitat in the immediate project area. The project area does not contain any wetland/riparian zones.

6. Wild and Scenic Rivers

There are no wild and scenic river designations within the project area.

7. Wilderness

There are no wilderness areas within the project area.

8. Socio-economic

There are no socio-economic impacts associated with the proposal.

C. Critical Elements Present or Could be Affected

1. Air Quality

Air quality and visibility in the subject area are both good except during periods of high velocity winds when the unprotected desert soil is easily carried as dust particles. The project will be regulated by the Mohave Desert Air Quality Management District to prevent emission of any contaminants into the atmosphere.

2. Cultural Resources

The Parker Strip on both sides of the Colorado River has evidence of both prehistoric and historic use. No surface cultural properties have been identified and consultation with the California State Historic Preservation Officer has been completed for the project. (Appendix 2)

3. Floodplain

The affected environment is within the 100 year flood plain of the Colorado River. Considerations for floodplain management may be found in the Yuma District RMP, page 22

4. Threatened or Endangered Species

Threatened or endangered animal species which may occur in the general area include the desert tortoise (*Gopherus agassizii* Mojave), razorback sucker (*Xyrauchen texanus*), bony tail chub (*Gila elegans*), southwestern willow flycatcher (*Empidonax traillii extima*), and Yuma clapper rail (*Rallus longirostris yumanensis*). Migratory birds that are endangered or threatened use the Colorado River as a migratory corridor and may be present in the area [e.g., bald eagle (*Haliaeetus leucocephalus*), California condor (*Gymnogyps californianus*)]. No Federal or State listed threatened or endangered species were found or are recently known to occur within the project area. (Appendix 3)

5. Wastes, Hazardous or Solid

Solid waste streams will be generated during the short term building phase within the project area.

6. Water Quality, Drinking or Ground

The State of California has developed potable water quality regulations for use throughout the state. Accordingly, the resort must test and meet standards for water quality as imposed by the State of California. The project is located 600' west of the river and on the west side of Parker Dam Road, no impacts are anticipated.

7. Invasive, Non-native Species (Weeds)

A large tamarisk is located near the market and will be removed as mitigation.

D. Other Resources Present or Could be Affected.

I. Wildlife

The area contains the natural Sonoran desert species. Public lands in the area provide habitat for a diverse array of wildlife and fish species. The Parker Strip contains over 500 species of birds, mammals, reptiles, amphibians and fish. There are no species of wildlife that would have the potential to be found exclusively within the limits of this proposal. Some of the mammalian species normally occurring in the area include but not limited to Desert Bighorn Sheep (*Ovis canadensis*), Mule Deer (*Odocoileus hemionus*), Black Tail Jackrabbit (*Lepus californicus*), Desert cottontail (*Sylvilagus auduboni*), Desert Woodrat (*Neotoma lepida*), Cactus Mouse (*Peromyscus eremicus*), Bobcat (*Lynx rufus*), Mountain Lion (*Felis concolor*), Coyote (*Canis latrans*), Kit Fox (*Vulpes macrotis*), Ringtail (*Bassariscus astutus*), and various species of Bats. Several different species of neotropical migratory birds use the Colorado River as a migratory pathway during the spring and fall migrations. These birds use the Colorado River for foraging, nesting, and roosting. Various species of reptiles are also normally found within the area. One common Kingsnake (*Lampropeltis getulus*) was observed at the site.

2. Vegetation

The area is within the Lower Colorado River Valley Subdivision of the Sonoran Desert Scrub Biome. This subdivision plays a central role in the Sonoran Desert because it basically is in contact with all the other Sonoran Desert subdivisions, Mojave Desert, and the Californian coastal scrub. Due to this association with other biome subdivisions, various vegetation types occur and there is an overlapping of plants that are common indicator species for other desert biomes (Turner and Brown, 1982).

Because of the combination of high temperature and low precipitation, this is the driest of the Sonoran Desert subdivisions. Plant growth is typically open and constant due to the intense competition existing between plants for the scarce water resources. Most of the area around the Colorado River was originally riparian habitat with stands cottonwood (*Populus fremontii*), willow (*Chilopsis linearis*), arrowweed (*Pluchea sericea*), sedge (*Cyperus* sp.), cattail (*Typha* sp.), and bulrush (*Scirpus* sp.). Most of the washes flowing into the Colorado River are considered woodland washes which contain dense stands of Palo Verde (*Cercidium* sp.), Desert Ironwood (*Olneya tesota*), and Honey Mesquite (*Prosopis glandulosa*). The remainder of the landscape is dominated by large rocky mountains with sparse vegetation. Some Creosote Bush (*Larrea tridentata*), Barrel Cactus (*Ferocactus acanthodes*), and White Bursage (*Ambrosia dumosa*) can be found scattered along the rocky substrate.

The State of California has laws that protect native plants against theft or destruction. Although the plants protected are not threatened or endangered, these laws are established to regulate the collection and transport of these plants and to punish those who steal or destroy them. The list of protected plants includes Desert Ironwood, Honey Mesquite, Screwbean Mesquite (*Prosopis pubescens*), Foothill Palo Verde (*Cercidium microphyllum*), Blue Palo Verde (*Cercidium floridum*), Ocotillo (*Fouquieria splendens*), and all cactus species.

3. Visual Resources

The proposed action occurs within the Visual Resource Management Class II. Under this class, changes may be seen, but should not attract the attention of the casual viewer. Changes must repeat the basic elements found in the predominant natural features of the characteristic landscape.

4. Recreation

Due to the intensive recreation use which seasonally fluctuates between the increasing numbers of winter and summer visitors, the Parker Strip is managed as a Special Recreation Management Area. Recreation is literally divided by the Parker Dam Road. The west side almost entirely consists of motorized OHV use, both in the two designated OHV areas and the designated existing trails in other locations. The east and river side contains the developed resort facilities or concession leases providing lodging, RV hookups, and a variety of opportunities for year round recreation.

5. Wild Horses/Burros/Range

The proposed project is within the Havasu-California burro herd management area and there are no range allotments involved.

IV. ENVIRONMENTAL CONSEQUENCES

A. Impacts from the Proposed Action

1. Air Quality

Some minor short-term impacts from dust clouds would occur with construction. Watering trucks or other means should be used as needed to minimize fugitive dust. However, no long term impacts would occur from this project.

2. Cultural Resources

No prehistoric or historic period sites or artifacts were identified during the archaeological survey and no impacts to known cultural properties are anticipated by the proposed action. Mitigation measures for subsurface monitoring will ensure compliance with the National Historic Preservation Act of 1966, as amended.

3. Floodplain

Consistent with Executive Order No. 11988 all overnight facilities and structures will be located outside the one hundred year floodplain. None are proposed for this project.

4. Threatened and Endangered Species

The proposed action would have no direct or indirect effects to Bonytail Chub or Razorback Sucker. The action is not likely to adversely affect the Bonytail Chub or Razorback Sucker or their designated critical habitat.

The proposed action would not affect the Yuma Clapper Rail, Southwestern Willow Flycatcher, Bald Eagle, or any other migratory bird species. The proposed action is not located near suitable habitat for any of the above listed species.

The project is located in Category III desert tortoise habitat. No desert tortoise inhabit the project area. No direct or indirect effects will occur from the project.

5. Wastes, Hazardous or Solid

There may be short term impacts from construction waste collecting in dumpsters or similar construction waste. Some minor disruption of recreational opportunities may be created due to the short term waste. It may not be possible for any hiking to continue through the project area. The existing unauthorized golf course would continue to be used once construction is completed.

6. Water Quality, Drinking or Ground

No impact to water quality in the project area.

7. Wildlife

The proposed action would have no anticipated significant impacts nor jeopardize the existence of any species of wildlife. Temporary displacement of small mammals, birds, and/or reptiles would occur during

construction work. The short term impacts upon terrestrial, avian and aquatic species would be minimal, limited to the disturbance caused by the temporary presence of personnel and equipment during the project. Birds and bats will be excluded from the catalytic oxidizer stack by installing cones or similar protective structures to prevent access. No additional disturbance to wildlife from current use is anticipated. A desert tortoise fence will be constructed around the catalytic oxidizer and the soil storage area.

8. Vegetation

The proposed action will eliminate a minor amount of vegetation during the construction process. No State protected species within the project area will be impacted. If any of the native vegetation is removed, it will be replaced. A tamarisk located near the store will be removed for the installation of the catalytic oxidizer.

9. Visual Resources

The project area is 2.5 acres with a surface that has been previously disturbed and has significantly modified the natural landscape character. The proposed action would be a visual intrusion and fail to meet Visual Resource Management Class II objectives; however, required mitigation to be paint in colors consistent in appearance with the surrounding desert landscape.

10. Recreation

The project site is located between two BLM managed recreation areas, a campground to the north and a boat launch to the south. As proposed, access or other affect to either location would be minimal or none.

11. Wild Horse/Burros/Range

There is expected to be no impact to the burro herd management area because the project is not in their normal path to river access. However, if soil is store on site a fence to prevent inadvertent access is required.

B. No Action Alternative

Under the No Action Alternative, the BLM would not issue the right-of-way and would not remediate the soil and ground water, therefore, prevent full compliance with regulatory entities such as the San Bernardino County Department of Public Health and Safety and California Regional Water Quality Control Board.

C. Mitigating Measures for the Proposed Action

The following mitigation measures will be used as stipulations

1. If any species listed as threatened or endangered under the Endangered Species Act of 1973, as amended, are encountered during the activities, work will immediately stop. Immediate telephone notification of the discovery shall be made to the BLM Wildlife Biologist at (928) 505-1236. The activity may resume only after the Authorized Officer has issued a continuance.
2. All personnel working in desert tortoise habitat will receive training regarding the desert tortoise. Every desert tortoise will be avoided at all times. Prior to moving any vehicle, all vehicles will be inspected for desert tortoise under the tires and in the shade of the vehicle.
3. Any cultural (historic/prehistoric site or object) and/or paleontological resource (fossil) remains of plants or animals) discovered during the construction shall immediately be reported to the Field Manager at (928)505-1200. All operations in the immediate area of the discovery shall be suspended until written

authorization to proceed is issued. An evaluation of the discovery shall be made by a qualified archaeologist or paleontologist to determine appropriate actions to prevent the loss of significant cultural or scientifically important paleontological values.

4. Care will be taken to avoid lubricant and fuel spills, and pollution of any kind in all areas utilized by construction activities. Any spill will be immediately cleaned up. All forms of refuse and waste produced inside the construction site during construction will be disposed of in a designated landfill or appropriate waste disposal site. During fueling operations, an operator will be standing by to prevent overfilling of equipment. Absorbent materials will be kept at the construction site to clean up or contain any lubricant and fuel spills.

5. The project must be maintained so as not to attract or harm wildlife, including burros that may be in the area.

6. Lessee shall schedule the time of construction to avoid the bird breeding season, which is March through July. This will minimize mortality, injury, and other related injuries to the birds in the area. Lessee will report and/or take any injured wildlife to the California Fish and Game for rehabilitation.

7. Watering trucks or other means shall be used as needed to minimize fugitive dust.

8. Trenching equipment will be limited to 6' wide work path. Protection will be installed to prevent any wildlife from falling into the trench (estimated to be limited to be 3' deep) until the pipe is installed and trench is filled.

9. Soil sampling must be conducted and submitted to an approved laboratory for analysis based on applicable standards.

10. Removal of the large tamarisk near the store shall be scheduled to avoid the bird breeding season (March through July).

11. The catalytic oxidizer stack shall be equipped and maintained to prevent birds and bats from entering and to discourage perching and nesting.

D. Cumulative Impacts

1. Proposed Action

The proposed action would have a short term impact to the environment. Dust and noise from construction will be evident during construction, however, no long-term impacts are anticipated.

2. No Action Alternative

Under the No Action alternative, no improvement the contamination of soil and ground water at the market would be corrected and continue to be a threat to public health and safety. There is a potential for the California Regional Water Control Board to issue a clean-up and abatement order to the Bureau which could include fines if the remediation is not completed.

V. Appendices

1. Cultural Resource Compliance Document
2. Threatened and Endangered Species Biological Evaluation

Maps

1. Site Map
2. Plan of Development

Photos

1. Photos of west side of Parker Dam Road
2. Photos of store area

LAKE HAVASU FIELD OFFICE
RECORD OF DECISION
Right-of Way
Rite Spot Market Remediation
EA-AZ330-2005-04

Recommendation: It is recommended that the Proposed Action of the attached Environmental Assessment be implemented and that the Right-of-way be issued for the installation of soil vapor extraction wells, air sparge wells, oxygen release compound wells, approximately 660 lineal feet of buried pipe, and catalytic oxidizer as well as the previously installed monitoring and oxygen release compound wells for the remediation of the contaminated soil and water. The use of the land would be for the same period of time specified in the right-of-way application – anticipated maximum time frame of 8 years.

San Bernardino Meridian
T. 2 N, R. 26E, sec 36

Containing 2.5 acres, more or less

Finding of No Significant Impacts: Environmental impacts associated with the proposed action have been assessed. I have determined that no significant impacts are expected and this is not considered a major Federal action. The proposed action will not have an adverse energy impact. Preparation of an Environmental Impact Statement pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 is not required.

The project area is within the Class II, Visual Resource Management classification, the wells are located below grade, however, the installation of the catalytic oxidizer is above ground. To meet the Class II classification visual objectives it is determined that the catalytic oxidizer and enclosure be screened with colors consistent in appearance with the surrounding desert landscape.

Implementation of the proposed action is in accordance with 43 CFR, Part 2801 which allow for the issuing of Rights-of-way on federal land administered by the BLM. This action falls within the mandate of the Bureau of Land Management multiple use management of public land.

Rationale for the Decision: This action will allow for the issuance of a Right-of-way for the installation of wells and associated remediation of the contaminated soil and water and remove the immediate threats to health and human safety and the environment. The decision will not result in any significant environmental impacts and is in conformance with the Final Yuma District Resource Area Management Plan (1986).

A. Conditions of Approval

Wildlife, Desert Tortoise and Protected Plants

Although no threatened or endangered wildlife or plant species are known to occur on the proposed development site, several State protected plant species do occur on the site. To reduce the impacts to these species, approval of this application should be contingent upon acceptance of the following stipulations and mitigation measures:

1. Disturbance of vegetation shall be restricted during the period of March 1 to July 31 to prevent impacts

to breeding birds.

2. Care shall be taken not to disturb or destroy Desert Tortoises or their burrows. Handling, collecting, damaging, or destroying Desert Tortoises is prohibited by Arizona State Law. Any sightings of Desert Tortoise should be immediately reported to the Bureau of Land Management, Lake Havasu Field Office (LHFO) Wildlife Biologist at (928) 505-1200.
3. If a Desert Tortoise is endangered by any activity, that activity should cease until the Desert Tortoise moves out of harm's way on its own accord. A Desert Tortoise that needs to be handled to prevent injury or death must be handled by a certified/qualified handler only. Care should also be taken to inspect underneath vehicles prior to moving as desert wildlife, including Desert Tortoise, frequently use any shade available.
4. The construction period shall be restricted to the tortoise hibernation period of 1 November to 28 February.
5. Adequate raven-proof trash containers should be located near the proposed well installation to prevent increased littering in the area.
6. All personnel are to report any sightings of Desert Tortoise, Bighorn Sheep (*Ovis canadensis*), other wildlife species and Federally listed migratory birds (such as American Peregrine Falcon) to the LHFO, Wildlife Biologist at (928) 505-1200.
7. Any Desert Bighorn Sheep observed will be avoided and not pursued.
8. Care will be taken to avoid lubricant, fuel spills, and pollution of any kind in all areas utilized by construction activities. Any spill will be immediately cleaned up. All forms of refuse and waste produced during construction will be disposed of in a designated landfill or appropriate waste disposal site. During refueling operations, an operator will be present to prevent overfilling of equipment. Absorbent materials will be kept at the construction site for cleanup or containment of any spill.
9. If any species listed as threatened or endangered under the Endangered Species Act of 1973, as amended, are encountered during the activities, work will stop immediately. Immediate notification of the discovery shall be made to the LHFO Wildlife Biologist at (928) 505-1200. The activity may resume only after U. S. Fish and Wildlife Service (FWS) has authorized a continuance.
10. The area of disturbance should be confined to the smallest practical area, considering topography, placement of facilities, location of burrows, nesting sites or dens, public health and safety, and other limiting factors. As needed, work area boundaries should be delineated with flagging or other marking to minimize surface disturbance associated with vehicle straying out of the approved area.
11. Areas outside of the project boundaries will not be used for stockpiling excavated materials, storing equipment, and parking vehicles.
12. All trash, including excess construction materials and food items will be promptly contained within closed, raven-proof containers. These will be regularly removed from the project site to an approved disposal site to reduce the attractiveness of the area to ravens and other DT predators.
13. No dogs will be allowed off leash in the area at anytime.
14. The holder shall ensure that any agent working on their behalf is informed of all stipulations regarding protection of desert tortoise and State-protected plant species and specific protocols to observe if desert tortoises are encountered in the field during construction or maintenance of the proposed project.

15. Upon project completion, all unused material and equipment shall be removed from the site.
16. Upon locating a dead or injured listed species, initial notification should be made to the Bureau of Land Management at 2610 Sweetwater Avenue, Lake Havasu City, AZ 86406 and US Fish and Wildlife Service (Service) within three working days of its finding. The notification must be made in writing to the Service's Division of Law Enforcement in Torrance (370 Amapola Avenue, Suite 114, Torrance, California 90501; (310) 328-1516) and by telephone and writing to the Ventura Fish and Wildlife Office (2493 Portola Road, Suite B, Ventura, California 93003; (805) 644-1766). The report should include the date and time of the finding or incident (if known), location of the carcass, a photograph, cause of death (if known), and other pertinent information. Animals injured through construction activities should be transported to a qualified veterinarian for treatment at the expense of the holder. If an injured animal recovers, the California Department of Fish and Game and the Bureau of Land Management should be contacted for final disposition of the animal.
17. Palo verde, ocotillo, mesquite, cat-claw, smoke tree, and cactus species are considered sensitive by the BLM and protected by the State of California. To the extent practicable, these species shall be avoided. If avoidance is not possible, these species shall be transplanted in a manner approved by the BLM. Should any of the aforementioned plants be destroyed, they should be replaced. Location of relocated or replaced vegetation shall be coordinated with the LHFO Wildlife Biologist and Archeologist. A report shall be provided to BLM Lake Havasu Field Office Biologists of all trees or cactus damaged, killed, or transplanted during construction activities.
18. All open holes and trenches shall be inspected for trapped desert tortoises at the beginning, middle, and end of the work day, at a minimum. During excavation of trenches or holes, earthen ramps should be provided to facilitate the escape of any wildlife species that may inadvertently become entrapped. If desert tortoises are trapped, the LHFO Wildlife Biologist should be notified immediately. The desert tortoise should be allowed to escape before work continues in that location. A final inspection of the open trench segment should also be made immediately before back filling. All open pipe segments should be covered when work activity is not occurring at the site. Trenches must meet the safety requirements of the Occupational Safety and Health Administration before personnel enter open trenches to remove wildlife.
19. Contaminated soil from drilling and trench digging above acceptable levels shall be removed to an appropriate location for treatment and not stored on Bureau of Land Management land. Treatment of contaminated soil should not expose wildlife to the risk of possible ingestion or contact.
20. All open-vent exhaust stacks, fans, and well openings should be constructed, modified, and/or otherwise equipped and maintained to prevent birds and bats from entering and to discourage perching and nesting.
21. Watering trucks or other means should be used, as needed, to minimize fugitive dust.

Cultural:

1. Any cultural (historic/prehistoric site or object) and/or paleontological resource (fossil) remains of plants or animals) discovered during the construction shall immediately be reported to the Field Manager. All operations in the immediate area of the discovery shall be suspended until written authorization to proceed is issued. An evaluation of the discovery shall be made by a qualified archaeologist or paleontologist to determine appropriate actions to prevent the loss of significant cultural or scientifically important paleontological values.
2. Holder shall comply with all State and Federal laws relating to prehistoric or historic archaeological sites or artifacts. Actions other than those explicitly approved by the BLM which result in impacts upon archaeological resources, shall be subject to the judicial proceedings of the Archaeological Resources

Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. As property of the United States, no person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact, or object of antiquity located on public lands.

Visual Resource Management

1. The catalytic oxidizer and fencing will be painted in colors that are compatible with the surrounding desert landscape environment. (Exhibit B – 2) Additional colors may be used upon approval by Bureau of Land Management.

General

1. A pre-construction meeting shall be coordinated by the holder with contractors, sub-contractors, and BLM representative.
2. A close-out meeting will be coordinated by the holder at which time the holder will present as-built drawings and photographs for the Bureau of Land Management casefile.

Decision: I have reviewed the recommendations of the land use proposal contained in Environmental Assessment (EA-AZ330-2005-0004) and find that they are technically adequate and that consideration has been given to all resource values. I approve the recommendations of the proposed action as the decision of the Bureau of Land Management.

/s/ Patricia Taylor
Patricia Taylor
Acting Field Manager
Lake Havasu Field Office

Date

12-01-04_____